

# CHEVRON-QUESTA MINE SUPERFUND SITE, NEW MEXICO

## (AMENDED ROD INCORPORATING NPDES REQUIREMENTS)

### ISSUE SUMMARY:

In February 2019, Chevron Mining Incorporated requested that EPA “consolidate regulatory authority” at the Chevron-Questa Mine Superfund Site by regulating discharges from the facility under CERCLA authority rather than under the NPDES program. EPA agreed with this approach in June 2019 but noted that the consolidation would require an amendment to the 2010 Record of Decision. EPA immediately began the process of developing a Proposed Plan to amend the 2010 Record of Decision.

### UPCOMING MILESTONES:

- **March 2021 – Brief Administrator and Issue Proposed Plan**
- **January 2022 – Amend Record of Decision**
- **October 2022 – Amend Partial Consent Decree and Terminate NPDES Permit**

### BACKGROUND:

The Chevron-Questa Mine Superfund Site, located in Questa, New Mexico, consists of a closed underground molybdenum mine, milling facility, and tailing disposal facility owned by Chevron Mining Incorporated. In 1979, EPA issued an NPDES permit to the mine operator to discharge into the Red River, and the mine has discharged under an NPDES permit since that time. EPA selected the remedy for the Site in a 2010 Record of Decision, which explicitly excluded NPDES-permitted activities from the Superfund remedy because the mine was still operating at the time of the Record of Decision. A partial consent decree was entered by the Court in 2017 and requires Chevron Mining Incorporated to perform certain parts of the remedy selected in the Record of Decision. The State of New Mexico is a party to the partial consent decree. Work at the Site is conducted in coordination with the New Mexico Environment Department and the Energy, Minerals and Natural Resources Department.

Chevron Mining Incorporated requested that EPA implement a change to the Record of Decision to recognize changed Chevron-Questa Mine Superfund Site circumstances and better coordinate and expedite Site remediation activities. Specifically, Chevron Mining Incorporated requested that all discharges to waters of the United States at the Chevron-Questa Mine Superfund Site be addressed through the Superfund program as an integrated part of the remedy for the Site, instead of splitting jurisdiction between the Superfund and NPDES programs. On June 27, 2019 EPA sent Chevron Mining Incorporated a letter indicating the agency was initiating steps to consolidate regulatory oversight at the Chevron-Questa Mine Superfund Site under CERCLA, including specifically the CWA NPDES permit requirements.

### KEY EXTERNAL STAKEHOLDERS:

- |  |   |  |                                 |   |   |
|--|---|--|---------------------------------|---|---|
| <input checked="" type="checkbox"/> Congress | <input type="checkbox"/> Industry                     | <input checked="" type="checkbox"/> States   | <input type="checkbox"/> Tribes | <input checked="" type="checkbox"/> Media | <input type="checkbox"/> Other Federal Agency |
| <input type="checkbox"/> NGO                 | <input checked="" type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Other (name of stakeholder) <u>Amigos Bravos</u> |                                 |   |   |

The nearby Village of Questa community is concerned that the mine continues to contaminate the Red River. Community groups are opposed to elimination of the NPDES permit which they believe affords them a legal avenue for enforcement under the citizen suit provision of the CWA.

New Mexico Environmental Department has requested EPA revise and issue a new NPDES permit to correct issues in the current administratively continued permit rather than wait for the NPDES permit standards to be incorporated in the CERCLA Record of Decision Amendment. New Mexico Environment Department is concerned with the length of time to update the discharge standards through the Record of Decision Amendment process and the lack of an equivalent state water quality certification process under CERCLA.

Internal deliberative pre-decisional

The public and elected officials are kept informed through multiple means, including web site updates, community meetings and remedy coordination updates with Village of Questa leaders, Chevron Mining Incorporated officials, State officials, and EPA.

#### MOVING FORWARD:

Prior to briefing the Administrator and issuing the proposed plan, EPA will complete internal coordination and will host a public meeting with the Village of Questa, New Mexico, regarding the Proposed Plan to amend the CERCLA Record of Decision.

LEAD OFFICE/REGION: REGION 6

OTHER KEY OFFICES: OLEM